IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7158 OF 2006

Sudarshan Bhimsen Koti ...Petitioner

Versus

The State of Maharashtra and others ...Respondents

Mr. S.R. Page for the petitioner.

Mr. V.P. Malvankar, Assistant Government Pleader, for respondent Nos.1 and 2.

CORAM: **H.S. BEDI, C.J.,** &
DR. D.Y. CHANDRACHUD, J.

DATE: **DECEMBER 04, 2006**.

P.C.

Rule. The learned Assistant Government Pleader waives service of Rule on behalf of respondent Nos. 1 and 2. Heard forthwith.

2. The petitioner was granted admission to the First Year of Engineering Degree Course in respondent No.3 College on 29th July, 2005, on the basis of the caste certificate issued to him by the Competent Authority on 30th July, 2002. As per the procedure prescribed, his certificate was sent for verification of the Scrutiny Committee. The said Committee after conducting an inquiry and after perusing the documents placed on record and other aspects, cancelled

the certificate on the plea that he had not proved his caste claim. This order has been appended at Exhibit-D to the petition. This order has been challenged by the petitioner by way of a writ petition being Writ Petition No. 2125 of 2006, but the same has been withdrawn on 10th April, 2006. The only prayer of the petitioner at this stage is that he should be allowed to continue his course of studies as a general/open category student.

3. A reply has been filed by the respondents and the factual position has not been denied. Concededly, the petitioner is prosecuting his studies in the third respondent College and if his admission is cancelled, no other candidate would be available to take the seat of the petitioner, and resultantly the said seat would go waste. Accordingly, we direct that the admission of the petitioner be regularised in his capacity as a open/general category candidate and further direct that he will not henceforth take any advantage of or claim to belong to the Scheduled Caste category any further for any purpose.

5. Rule is made absolute in the aforesaid terms with no order as to costs.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.